

NATIONAL LABOR RELATIONS BOARD

**ADM TRUCKING, INC., A DIVISION OF
ADM CO.,**

Employer

And

**BAKERY, CONFECTIONERY,
TOBACCO WORKERS & GRAIN
MILLERS INTERNATIONAL UNION,
AFL-CIO, CLC LOCAL 103-G,**

Petitioner.

Case No. 25-UC-144747

MOTION TO RESCHEDULE HEARING DATE TO FEBRUARY 13, 2015

Employer, ADM TRUCKING, INC., A DIVISION OF ADM CO., (“ADM”), by and through its undersigned counsel, Brian W. Bulger, Meckler Bulger Tilson Marick & Pearson LLP (“Counsel”), hereby requests a seven-day (7) postponement of the hearing presently scheduled for February 6, 2015 in the above-captioned case to February 13, 2015. In support of this motion, ADM states as follows:

1. Counsel is presently scheduled to try an arbitration in Clewiston, Florida on February 5, 2015, which may extend to February 6, 2015.
2. Counsel is also scheduled to teach a class at Ave Maria School of Law in Florida on February 10, 2015, which would make it very difficult to return to Illinois before February 11, 2015.
3. Additional counsel, Joseph Tilson, is attending mediation in Fresno, California from Tuesday, February 3, 2015 through Thursday, February 5, 2015 returning to Illinois on Friday, February 6, 2015.

4. At this time, Counsel does not know whether a hearing will be necessary, but if it is, Counsel will need at least some time to prepare for this hearing on February 11 or 12, which leads to this request for the date of February 13, 2015. Alternatively, Counsel could also attend a hearing on February 20, 2015.

5. The Employer will be filing motion to dismiss with a statement of position outlining factual and legal reasons why this petition should be administratively dismissed. These reasons include:

- a. The Springfield terminal is a new and separate terminal over 40 miles away from Decatur;
- b. The terminal presently has three (3) employees but has not yet reached its full complement of up to 10 employees;
- c. The terminal is, and will be, supervised by a Remote Terminal Manager and not by Decatur supervision;
- d. The recognition clause of the existing Collective Bargaining Agreement references only a specific address in Decatur and does not expire until February 2016;
- e. Only one employee at Decatur was transferred, at his own request, to the Springfield terminal; and
- f. Springfield is, or will be, an appropriate bargaining unit on its own.

6. Employer promptly contacted the Union to ascertain its position on January 26, 2015. In speaking with Mr. Joe Lee, the Union representative who filed this petition, Counsel was informed that he needs more time to consider the Union's position. Counsel again called the Mr. Lee on January 27, 2015 and January 28, 2015. When Mr. Lee was reached on January 28, 2015, Counsel was informed that the Union would be represented by Andrew Weatherford. Mr. Weatherford has informed Counsel by telephone that the Union agrees to postponement of the hearing until February 13, 2015.

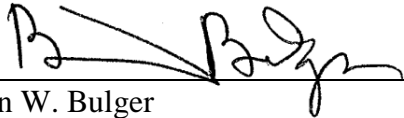
7. The petition here was only sent to the Employer on Friday, January 23, 2015 at 4:45 p.m., and counsel was first retained on Monday, January 26, 2015. Although the Employer believes that undisputed facts will necessitate administrative dismissal of this petition, we recognize that a hearing may be required. However, unlike a typical RC petition, there is no body of employees here who have expressed interest in unionization waiting to vote. Instead, this is an attempt to force employees into a distant bargaining unit without a vote and potentially against their wishes. Given the Board's strong preference for employee self-determination through voting, this is precisely the kind of extraordinary case in which the brief extension requested here is warranted even if it may exceed 14 days from the filing of this petition. During this timeframe, prior to a hearing, the Board may be able to obtain undisputed facts and stipulations from the parties mandating dismissal of the petition without the Board or the parties undergoing the disruption and expense of a hearing in accord with rule 102.62(b)..

8. This motion is not made for purposes of delay, but for the reasons stated above.

Wherefore, ADM respectfully requests that the hearing be rescheduled to Friday, February 13, 2015, or, alternatively, to Friday, February 20, 2015.

Date: January 28, 2015

ADM TRUCKING, INC., A DIVISION
OF ADM CO.,

By: 
Brian W. Bulger
Meckler Bulger Tilson Marick & Pearson, LLP
123 N. Wacker Drive, Suite 1800
Chicago, Illinois 60606
Phone: 312.474.7990
Fax: 312.474.7898
Email: brian.bulger@mbtlaw.com

Counsel for Employer

CERTIFICATE OF SERVICE

I, Brian W. Bulger, do hereby certify that on the 28th day of January, 2015, I caused to be served a true and correct copy of the foregoing **ADM's Motion to Reschedule Hearing Date to February 13, 2015** upon:

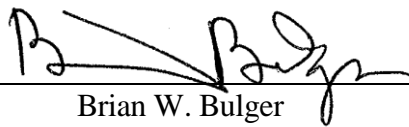
Andrew R. Weatherford
Johnson, Chiligris & Weatherford
412 S. Franklin Street
Decatur, IL 62523
Phone: (217) 422-2880
Fax: (217) 422-0622
Email: andrewweatherford@chiligris.com
*Counsel for Bakery, Confectionery,
Tobacco Workers & Grain Millers
International Union, AFL-CIO, CLC
Local 103-G*

Joe Lee
Bakery, Confectionery, Tobacco Workers
& Grain Millers International Union,
AFL-CIO, CLC Local 103-G
2955 North Woodford Street
Decatur, IL 62526
Phone: (217) 875-2400
Fax: (217) 875-9865
Email: leeboyzx3@hotmail.com

Grant T. Dodds, Field Examiner
Nathaniel E. Strickler, Officer in Charge
National Labor Relations Board -
SubRegion 33
300 Hamilton Boulevard, Suite 200
Peoria, IL 61602
Phone: (309) 671-7059 (GTD)
Phone: (309) 671-7080 (NES)
Fax: (309) 671-7095
Email: Grant.Dodds@nlrb.gov

Rik Lineback, Regional Director
Regional Office
National Labor Relations Board
Minton-Capehart Federal Building
575 N. Pennsylvania Street, Room 238
Indianapolis, IN 46204-1577
Phone: (317) 226-7381
Fax: (317) 226-5103
Email: Rik.Lineback@nlrb.gov

either via email, facsimile transmission and United States mail by depositing same, postage prepaid, in the U.S. Mail chute located at 123 N. Wacker Drive, Chicago, IL on or before 5:00 p.m.



Brian W. Bulger
Counsel for ADM